

Patent Application  
Docket No. 21955

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JUL 03 2006REMARKS

In the office action mailed May 3, 2006, claims 1-60 were pending for consideration. Claims 1, 7-8 and 14-16 were rejected under 35 U.S.C. 102(e) in light of Sellakumar (U.S. Patent 6,960,329). Claims 47, 51, 52 and 54 are rejected under 35 U.S.C. 102(b) in light of Wietzke (U.S. Patent 6,395,237). Claims 2-6, 9-13, 17-28, 48-50 and 53 were rejected under 35 U.S.C. 103(a) in light of Sellakumar and/or Wietzke. Each of the Examiner's rejections are addressed in turn below.

*Rejections under 35 U.S.C 102(e)*

The Examiner has rejected Claims 1, 7-8 and 14-16 under 102(e) as anticipated by Sellakumar. The Applicant has submitted herewith an affidavit under 37 C.F.R. 1.131 in order to swear behind the filing date of Sellakumar. Specifically, Sellakumar was filed on March 12, 2002 and the inventors have signed the declaration to the effect that the invention was conceived prior to this date. Further, this declaration also specifies that reduction to practice occurred after the filing date but was accompanied by diligence. The declaration is submitted to overcome the rejections of the above claims based in whole or in part on Sellakumar. As Sellakumar is no longer available as a reference, the rejections based thereon should be withdrawn.

*Rejections under 35 U.S.C 102(b)*

The Examiner has rejected Claims 47, 51, 52, and 54 under 102(b) as anticipated by Wietzke. Applicant respectfully submits that the Wietzke reference fails to teach each and every element of the claimed invention. Specifically, Wietzke discloses a traditional single dry scrubber configuration. The Examiner is correct in designating item 220 as a dry scrubber (see col. 4, lines 61-64). However, sorbent 50 is not a dry scrubber as suggested. Wietzke teaches injecting a "sorbent 50 such as limestone" directly into the reactor

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according to conventional CFB operation. In this manner the limestone is injected into the reactor and participates in reactions within the fluidized bed. This is an in situ process for reduction of SO<sub>x</sub>. However, the claimed invention requires a second dry scrubber operatively connected. The claimed second dry scrubber is a distinct element or unit. In contrast, the Wietzke reference discloses no such "dry scrubber" which is "operatively connected" to either of the particulate collection apparatus or the first dry scrubber. Thus, at least two separate aspects distinguish the claimed invention from the Wietzke reference. First, the sorbent 50 is not a dry scrubber rather it is a direct injection line which is in situ. Second, the sorbent 50 is not operatively connected to anything, much less the particulate collection apparatus or the first dry scrubber. Therefore, the Wietzke reference fails to disclose a second dry scrubber and cannot serve as a basis for a rejection based on anticipation.

*Rejections under 35 U.S.C. 103(a)*

Claims 2-6, 12-13, and 17-28 were rejected as obvious over Sellakumar. As with the rejection under anticipation, the declaration under 37 C.F.R. 1.131 has been submitted to remove Sellakumar as a reference. Therefore, Applicant requests that this rejection be withdrawn.

Claims 9-11 were rejected as obvious over Sellakumar in view of Wietzke. As with the rejection above, the declaration under 37 C.F.R. 1.131 has been submitted to remove Sellakumar as a reference. Therefore, Applicant requests that this rejection be withdrawn.

Claims 48-50 were rejected as obvious over Wietzke. Applicant respectfully submits that the Wietzke neither teaches or suggests a second dry scrubber as discussed above. Therefore, Wietzke fails to teach or suggest each and every element of the claimed invention.

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Claim 53 was also rejected as obvious over Wietzke in view of Sellakumar. As with the anticipation rejection above, the declaration under 37 C.F.R. 1.131 has been submitted to remove Sellakumar as a reference. Therefore, Applicant requests that this rejection be withdrawn.

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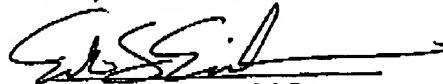
Conclusion

In view of the foregoing, Applicant respectfully requests that Claims 1-16 be allowed since the primary reference relied upon by the Examiner has been removed via a declaration under 37 C.F.R. 1.131 and the remaining reference fails to teach or suggest every element of the claimed invention. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be resolved during a telephone interview, the Examiner is invited to telephone Mr. Erik Ericksen or, in his absence, Mr. Wayne Western at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 3<sup>rd</sup> day of July, 2006.

Respectfully submitted,



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